


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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05 JUL -5 AM 9:56

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

DANNY L. DEATON,

Plaintiff,

v.

No. 99-2815-B/An

CITY OF MEMPHIS, et al.,

Defendants.


ORDER DISMISSING MAYOR W. W. HERENTON

On June 27, 2005, the Court entered an order granting in part and denying in part Defendant's motion in limine and granting Plaintiff's motion in limine. The Court noted in a footnote that a negligence claim still remained against the Defendant, Mayor W. W. Herenton, based upon an August 30, 2000 order on a motion to dismiss entered by former District Judge Julia S. Gibbons. In that order, Judge Gibbons stated that the Defendant had not sought a dismissal of Plaintiff's negligence claim against Herenton and therefore that claim had survived.

On October 13, 2000, a stipulation of voluntary dismissal was filed with the Court wherein the attorneys for the Plaintiff and for Herenton agreed that all of Plaintiff's state law claims against the Mayor could be dismissed without prejudice. Consequently, it appears that all claims against Mayor Herenton have been terminated.

Accordingly, based upon the stipulation of voluntary dismissal entered on October 13, 2000, all of Plaintiff's remaining state law claims against Mayor Herenton are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED this 1st day of July, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 175 in case 2:99-CV-02815 was distributed by fax, mail, or direct printing on July 5, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT